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COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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IRWIN A. POPOWSKY  
Consumer Advocate

FAX (717) 783-7152  
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October 23, 2001

RECEIVED  
OCT 23 2001  
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Magalie Roman Salas  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S. W.  
Washington, DC 20554

In the Matter of: Common Carrier Bureau  
Seeks Comments On the Petitions of  
Representative Keith R. McCall and Other  
Pennsylvania State Representatives and the  
Louisiana Public Service Commission  
Requesting Delegated Authority to Implement  
Number Conservation Measures  
NSD File Nos. L-01-113 & L-01-147  
CC Docket Nos. 96-98 & 99-200

Dear Ms. Salas:

Enclosed please find an original and four copies of Comments of the Pennsylvania Office of Consumer Advocate in the above-referenced matter. Please also note that these Comments have been filed with the Commission electronically.

Please indicate your receipt of this filing on the additional copy provided and return it to the undersigned in the enclosed self-addressed, postage prepaid, envelope. Thank you.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Joel H. Cheskis".

Joel H. Cheskis  
Assistant Consumer Advocate

Enclosure

cc: Carmell Weathers

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION**

<b>In the Matter of</b>	:	
	:	<b>NSD File No. L-01-113</b>
<b>Common Carrier Bureau Seeks Comments</b>	:	<b>NSD File No. L-01-147</b>
<b>On the Petitions of Representative Keith R. McCall</b>	:	
<b>And Other Pennsylvania State Representatives And</b>	:	<b>CC Docket No. 96-98</b>
<b>The Louisiana Public Service Commission</b>	:	<b>CC Docket No. 99-200</b>
<b>Requesting Delegated Authority to Implement</b>	:	
<b>Number Conservation Measures</b>	:	

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**COMMENTS OF THE  
PENNSYLVANIA OFFICE OF CONSUMER ADVOCATE**

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**I. INTRODUCTION**

The Pennsylvania Office of Consumer Advocate ("PA OCA") hereby submits these Comments in response to the Public Notice released by the Federal Communications Commission ("FCC") on October 9, 2001 in the above-captioned proceeding. The OCA represents the interest of Pennsylvania consumers in utility proceedings at both the state and federal level. The OCA has been very active in the issue of area code proliferation at both the state and federal level including advocating consumer interests on behalf of the National Association of State Utility Consumer Advocates at the FCC's North American Numbering Council ("NANC").

Through the Public Notice, the FCC seeks Comment on the Petition filed by Pennsylvania State Representative Keith R. McCall and Members of the Northeast Delegation of the Pennsylvania House of Representatives ("McCall Petition"). The McCall Petition seeks additional delegated authority be given to the Pennsylvania Public

Utility Commission (“PA PUC”) to implement thousands-block number pooling in the 570 area code which covers northeastern Pennsylvania.

However, in light of the PA PUC’s recent Order approving the implementation of thousands-block number pooling in the 570 area code by voluntary industry consensus,<sup>1</sup> the OCA respectfully requests that the FCC hold in abeyance any action on the McCall Petition so that thousands-block number pooling can be implemented in the 570 area code pursuant to the PA PUC’s Order.

In support of these Comments, the PA OCA submits as follows:

## II. COMMENTS

A. The FCC Should Hold In Abeyance Any Action On The *McCall Petition* While The PA PUC Implements Thousands-Block Pooling In The 570 Area Code.

On June 8, 2001, Pennsylvania State Representative Keith R. McCall, who represents the interests of Pennsylvanian’s residing in the 122<sup>nd</sup> Legislative District in Northeastern Pennsylvania, filed the McCall Petition requesting that the PA PUC be granted additional delegated authority to implement thousands-block number pooling in the 570 area code. The McCall Petition asserts that additional delegated authority is necessary for the PA PUC to implement thousands-block number pooling in the 570 area code. The McCall Petition further asserts that pooling would benefit consumers in the 570 area code because numbering resources would be used more efficiently, thereby prolonging the life of the 570 area code.

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<sup>1</sup> See, Implementation of Accelerated Voluntary Thousands-Block Pooling in the 570 and 717 Area Codes, Docket Nos. P-00961071F0002 and P-00961071F0003 (Order entered August 9, 2001).

The OCA submits that any FCC action on the McCall Petition should be held in abeyance because recent number conservation efforts have been proposed in Pennsylvania that would make action on the McCall Petition unnecessary at this time. In particular, and as discussed further below, the PA PUC has approved a Joint Petition from industry representatives in Pennsylvania seeking authority to conduct voluntary thousands-block number pooling in the 570 area code. However, if the current situation in Pennsylvania changes, and such proposed number conservation measures not be implemented, the OCA submits that the FCC should approve the McCall Petition and grant the PA PUC the authority to implement thousands-block pooling in the 570 area code.

The issue of area code proliferation is not new to the PA PUC. In fact, the number of area codes in Pennsylvania has nearly tripled since 1994, with more planned or proposed. Furthermore, the PA PUC has recently established a Number Steering Committee (“NSC”) that addresses area code proliferation issues as they arise. In fact, and in light of the substantial exhaust of numbering resources in Pennsylvania, the PA PUC also established a Subcommittee of the NSC to develop a plan for rate center consolidation (“RCC”) in every area code in Pennsylvania. Rate center consolidation is a number conservation method where service providers can serve larger geographic areas with more than one number block. In considering the implementation of RCC, the industry representatives of the Subcommittee determined that RCC would likely be too costly and burdensome to implement. As such, the industry representatives proposed to implement voluntary thousands-block number pooling in the 717 and 570 area codes in lieu of further current consideration of RCC. A Joint Petition for Settlement and

Agreement for Accelerated Thousands-Block Pooling in the 570 and 717 Area Codes  
(“Joint Petition”) was entered into and submitted to the PA PUC.

Thousands-block number pooling is governed by the FCC. In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215 and 717, Memorandum Opinion and Order and Order on Reconsideration, 13 FCC Rcd 190029 (1998)(“Pennsylvania Order”). However, the Pennsylvania Order allows for thousands-block number pooling where the affected service providers have voluntarily agreed to implement such pooling. Based on this guidance from the FCC, the PA PUC approved the Joint Petition on August 9, 2001. As such, thousands-block number pooling is scheduled to be implemented in the 570 area code on February 28, 2002 in accordance with industry guidelines and Commission rules governing pooling.

Furthermore, the OCA submits that the implementation of thousands-block pooling in the 570 area code on February 28, 2002 is in accord with the national pooling schedule established by the FCC. In the Matter of Number Resource Optimization, Report and Order and Further Notice of Proposed Rulemaking, March 31, 2000 (“NRO Order”). As specified in the Joint Petition, the PA PUC has been advised by Neustar, the national thousands-block number pooling administrator, that the planned implementation of thousands-block number pooling in the 570 area code will be grandfathered into the national system.

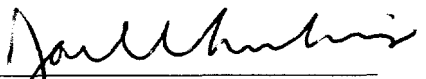
As such, the PA OCA submits that the FCC now should hold in abeyance any action on the McCall Petition. As discussed above, thousands-block number pooling is anticipated to begin on February 28, 2002 in the 570 area code. If this occurs, the

McCall Petition will be rendered moot. However, the PA OCA submits that, if it is determined that the thousands-block number pooling will not be implemented in the 570 area code on February 28, 2002 as planned, the FCC consider the McCall Petition at that time and order the relief requested therein.

### III. CONCLUSION

WHEREFORE, the Pennsylvania Office of Consumer Advocate respectfully submits that the Federal Communications Commission consider these Comments when acting on the above-referenced proceeding. In particular, the PA OCA submits that the FCC should delay acting on the Petition filed by Representative McCall pending the implementation of thousands-block number pooling in the 570 area code in Pennsylvania pursuant to industry agreement.

Respectfully submitted,

  
Philip F. McClelland  
Senior Assistant Consumer Advocate  
Joel H. Cheskis  
Assistant Consumer Advocate

For: Irwin A. Popowsky  
Consumer Advocate

Office of Consumer Advocate  
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Forum Place  
Harrisburg, Pennsylvania 17101-1923  
(717) 783-5048

October 23, 2001

65955

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION

In the Matter of	:	
	:	NSD File No. L-01-113
Common Carrier Bureau Seeks Comments	:	NSD File No. L-01-147
On the Petitions of Representative Keith R. McCall	:	
And Other Pennsylvania State Representatives And	:	CC Docket No. 96-98
The Louisiana Public Service Commission	:	CC Docket No. 99-200
Requesting Delegated Authority to Implement	:	
Number Conservation Measures	:	

I hereby certify that I have this day served a true copy of the foregoing document,  
Comments, upon parties of record in this proceeding.

Dated this 23rd day of October, 2001.

Respectfully submitted,



Joel H. Cheskis  
Assistant Consumer Advocate

Counsel for  
Office of Consumer Advocate  
555 Walnut Street, Forum Place, 5th Floor  
Harrisburg, PA 17101-1923  
(717) 783-5048



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